

**U.S. District Court  
NORTHERN DISTRICT OF OHIO (Cleveland)  
CIVIL DOCKET FOR CASE #: 1:22-cv-01536-CEF**

Bozin v. Key Bank, N.A.  
Assigned to: Judge Charles Esque Fleming  
Cause: 28:1331 Fed. Question

Date Filed: 08/30/2022  
Date Terminated: 02/02/2023  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Daniel Bozin**  
*individually and on behalf of all others*  
*similarly situated, And as Executor of the*  
*Estate of*  
*Deceased*  
Aurora Murgu

represented by **Brian D. Flick**  
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*Bar Status: Active*

**Plaintiff**

**James McNichol**

*individually and on behalf of all others  
similarly situated*

represented by **Brian D. Flick**

(See above for address)

**ATTORNEY TO BE NOTICED**

*Bar Status: Active*

**Jeffrey D. Blake**

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**PRO HAC VICE**

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*Bar Status: Phv*

**Thomas A. Zimmerman , Jr.**

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**Marc E. Dann**

(See above for address)

**ATTORNEY TO BE NOTICED**

*Bar Status: Active*

**Plaintiff**

**Kristi Burk**

*individually and on behalf of all others  
similarly situated*

represented by **Brian D. Flick**

(See above for address)

**ATTORNEY TO BE NOTICED**

*Bar Status: Active*

**Jeffrey D. Blake**

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**Plaintiff**

**Patricia Burk**

*individually and on behalf of all others  
similarly situated*

represented by **Brian D. Flick**

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**ATTORNEY TO BE NOTICED**

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**Marc E. Dann**  
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**Plaintiff**

**Jessica McNichol**  
*individually and on behalf of all others*  
*similarly situated*

represented by **Brian D. Flick**  
(See above for address)  
*LEAD ATTORNEY*  
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**Jeffrey D. Blake**  
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**Marc E. Dann**  
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**Thomas A. Zimmerman , Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
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V.

**Defendant**

**Key Bank, N.A.**

represented by **James J. Pastore , Jr.**  
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**Defendant**

**Overby–Seawell Co.**

represented by **Geoffrey A. Belzer**  
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**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

Email All Attorneys  
Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
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08/30/2022	<u>I 1</u>	<b>Complaint</b> with jury demand against Key Bank, N.A. Filing fee paid \$402, Receipt number AOHND-11592487. Filed by Daniel Bozin. (Attachments: # <u>1</u> Exhibit 1 – Notice Letter, # <u>2</u> Civil Cover Sheet, # <u>3</u> Proposed Summons on KeyBank, # <u>4</u> Proposed Summons on OSC) (Dann, Marc) (Entered: 08/30/2022)
08/30/2022	<u>I</u>	Judge David A. Ruiz assigned to case. (F,AW) (Entered: 08/31/2022)
08/30/2022	<u>I</u>	Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Jonathan D. Greenberg. (F,AW) (Entered: 08/31/2022)
08/31/2022	<u>I 2</u>	Supplement – Page 2 of Civil Cover Sheet, filed by Daniel Bozin. (Dann, Marc) (Entered: 08/31/2022)
08/31/2022	<u>I 3</u>	Original Summons and Magistrate Consent Form issued to counsel for service upon Key Bank, N.A., Overby–Seawell Co. (Attachments: # <u>1</u> Magistrate Consent Form) (F,AW) (Entered: 08/31/2022)
09/06/2022	<u>I 4</u>	<b>Order</b> of Recusal. This case is returned to the Clerk for reassignment to another judge. Judge David A. Ruiz on 9/6/2022. (G,CA) (Entered: 09/06/2022)
09/06/2022	<u>I</u>	Judge Charles Esque Fleming assigned to case. Judge David A. Ruiz terminated. (H,Ch) (Entered: 09/06/2022)
09/06/2022	<u>I 5</u>	Return of Service by personal service executed upon Key Bank, N.A. on 9/6/2022, filed on behalf of Daniel Bozin Related document(s) <u>3</u> , <u>1</u> . (Dann, Marc) (Entered: 09/06/2022)
09/08/2022	<u>I 6</u>	Return of Service by personal service executed upon Overby–Seawell Co. on 9/7/2022, filed on behalf of Daniel Bozin Related document(s) <u>3</u> , <u>1</u> . (Dann, Marc) (Entered: 09/08/2022)
09/08/2022	<u>I 7</u>	<b>Motion</b> for attorney Jeffrey D. Blake to Appear Pro Hac Vice with Affidavit and Letter of Good Standing. Filing fee \$ 120, receipt number AOHND-11604915, filed by Plaintiff Daniel Bozin. (Attachments: # <u>1</u> Proposed Order )(Dann, Marc) Modified text on 9/8/2022 (M,TL). (Entered: 09/08/2022)
09/12/2022	<u>I</u>	<b>Order</b> [non–document] granting Motion for appearance pro hac vice by attorney Jeffrey D. Blake for Daniel Bozin. Local Rule 5.1(c) requires that attorneys register for NextGen CM/ECF and file and receive all documents electronically. NextGen CM/ECF registration can be done online at www.pacer.gov. Login with your PACER credentials, go to the Maintenance tab, click Attorney Admissions/E–File Registration, select Ohio Northern District Court and then select Pro Hac Vice. <b>If you were previously granted pro hac vice status and are already registered to file electronically, it is not necessary to register again.</b> (Related Doc # <u>7</u> ). Judge Charles Esque Fleming on 9/12/2022. (S,SR) (Entered: 09/12/2022)
09/12/2022	<u>I 8</u>	<b>Motion</b> for attorney Thomas A. Zimmerman to Appear Pro Hac Vice with Affidavit and Letter of Good Standing. Filing fee \$ 120, receipt number AOHND-11610100, filed by Plaintiff Daniel Bozin. (Attachments: # <u>1</u> Proposed Order)(Dann, Marc) Modified text on 9/13/2022 (M,TL). (Entered: 09/12/2022)
09/12/2022	<u>I</u>	<b>Order</b> [non–document] granting Motion for appearance pro hac vice by attorney Thomas A. Zimmerman, Jr for Daniel Bozin. Local Rule 5.1(c) requires that attorneys register for NextGen CM/ECF and file and receive all documents electronically. NextGen CM/ECF registration can be done online at www.pacer.gov. Login with your PACER credentials, go to the Maintenance tab, click Attorney Admissions/E–File Registration, select Ohio Northern District Court and then select Pro Hac Vice. <b>If you were previously granted pro hac vice status and are already registered to file electronically, it is not necessary to register again.</b> (Related Doc # <u>8</u> ). Judge Charles Esque Fleming on 9/12/2022. (S,SR) (Entered: 09/12/2022)
09/12/2022	<u>I 9</u>	

		Attorney Appearance by Jeffrey D. Blake filed by on behalf of Daniel Bozin. (Blake, Jeffrey) (Entered: 09/12/2022)
09/12/2022	<u>10</u>	Attorney Appearance by Thomas A. Zimmerman, Jr filed by on behalf of Daniel Bozin. (Zimmerman, Thomas) (Entered: 09/12/2022)
09/14/2022	<u>11</u>	First <b>Amended complaint</b> against Key Bank, N.A., Overby–Seawell Co. and adding new party plaintiff(s) James McNichol, Jessica McNichol, Kristi Burk and Patricia Burk. Filed by Daniel Bozin. (Attachments: # <u>1</u> Exhibit1 – Notice Letter) (Dann, Marc) (Entered: 09/14/2022)
09/23/2022	<u>12</u>	Corporate Disclosure Statement identifying Corporate Parent KeyCorp for Key Bank, N.A. filed by Key Bank, N.A.. (Slater, James) (Entered: 09/23/2022)
09/23/2022	<u>13</u>	<b>Motion</b> for attorney James J. Pastore Jr. to Appear Pro Hac Vice. <i>With Declaration – does not contain original signature</i> . Filing fee \$ 120, receipt number AOHNDK–11631797, filed by Defendant Key Bank, N.A.. (Slater, James) Modified text on 9/26/2022 (O,K). (Entered: 09/23/2022)
09/23/2022	<u>14</u>	<b>Motion</b> for attorney Michael Joseph Bloom to Appear Pro Hac Vice. <i>With Declaration – does not contain original signature</i> . Filing fee \$ 120, receipt number AOHNDK–11631832, filed by Defendant Key Bank, N.A.. (Slater, James) Modified text on 9/26/2022 (O,K). (Entered: 09/23/2022)
09/26/2022	<u>15</u>	Waiver of Service Returned Executed by Daniel Bozin, James McNichol, Kristi Burk, Patricia Burk. Key Bank, N.A. waiver sent on 9/23/2022, answer due 11/22/2022 filed on behalf of Daniel Bozin; James McNichol; Kristi Burk; Patricia Burk (Dann, Marc) (Entered: 09/26/2022)
09/26/2022	<u>16</u>	Waiver of Service Returned Executed by Daniel Bozin, James McNichol, Kristi Burk, Patricia Burk. Overby–Seawell Co. waiver sent on 9/26/2022, answer due 11/25/2022 filed on behalf of Daniel Bozin; James McNichol; Kristi Burk; Patricia Burk (Dann, Marc) (Entered: 09/26/2022)
09/27/2022	<u>17</u>	Waiver of Service Returned Executed by Daniel Bozin, James McNichol, Kristi Burk, Patricia Burk. filed on behalf of Daniel Bozin, James McNichol, Kristi Burk, Patricia Burk (Dann, Marc) (Entered: 09/27/2022)
09/27/2022	<u>18</u>	Supplement to <b>Motion</b> for attorney James J. Pastore Jr. to Appear Pro Hac Vice. Filing fee \$ 120, receipt number AOHNDK–11631797, – Declaration of James Pastore Jr., filed by Key Bank, N.A.. Related document(s) <u>13</u> . (Slater, James) (Entered: 09/27/2022)
09/27/2022	<u>19</u>	Supplement to <b>Motion</b> for attorney Michael Joseph Bloom to Appear Pro Hac Vice. Filing fee \$ 120, receipt number AOHNDK–11631832, – Declaration of Michael Bloom, filed by Key Bank, N.A.. Related document(s) <u>14</u> . (Slater, James) (Entered: 09/27/2022)
09/27/2022	<u>I</u>	<b>Order</b> [non–document] granting Motion for appearance pro hac vice by attorney James J. Pastore, Jr for Key Bank, N.A. Local Rule 5.1(c) requires that attorneys register for NextGen CM/ECF and file and receive all documents electronically. NextGen CM/ECF registration can be done online at www.pacer.gov. Login with your PACER credentials, go to the Maintenance tab, click Attorney Admissions/E–File Registration, select Ohio Northern District Court and then select Pro Hac Vice. <b>If you were previously granted pro hac vice status and are already registered to file electronically, it is not necessary to register again.</b> (Related Doc # <u>13</u> ). Judge Charles Esque Fleming on 9/27/2022.(S,SR) (Entered: 09/27/2022)
09/27/2022	<u>I</u>	<b>Order</b> [non–document] granting Motion for appearance pro hac vice by attorney Michael Joseph Bloom for Key Bank, N.A. Local Rule 5.1(c) requires that attorneys register for NextGen CM/ECF and file and receive all documents electronically. NextGen CM/ECF registration can be done online at www.pacer.gov. Login with your PACER credentials, go to the Maintenance tab, click Attorney Admissions/E–File Registration, select Ohio Northern District Court and then select Pro Hac Vice.

If you were previously granted pro hac vice status and are already registered to file electronically, it is not necessary to register again. (Related Doc # 14 ). Judge Charles Esque Fleming on 9/27/2022. (S,SR) (Entered: 09/27/2022)

09/28/2022	<u>20</u>	<b>Motion</b> for attorney Kristin D. Kiehn to Appear Pro Hac Vice. Filing fee \$ 120, receipt number AOHND-11639007, filed by Defendant Key Bank, N.A.. (Attachments: # <u>1</u> Declaration of Kristin D. Kiehn)(Slater, James) (Entered: 09/28/2022)
09/30/2022	<u>21</u>	<b>Order</b> [non-document] granting Motion for appearance pro hac vice by attorney Kristin D. Kiehn for Key Bank, N.A. Local Rule 5.1(c) requires that attorneys register for NextGen CM/ECF and file and receive all documents electronically. NextGen CM/ECF registration can be done online at www.pacer.gov. Login with your PACER credentials, go to the Maintenance tab, click Attorney Admissions/E-File Registration, select Ohio Northern District Court and then select Pro Hac Vice. If you were previously granted pro hac vice status and are already registered to file electronically, it is not necessary to register again. (Related Doc # <u>20</u> ). Judge Charles Esque Fleming on 9/30/2022. (S,SR) (Entered: 09/30/2022)
11/01/2022	<u>21</u>	<b>Motion</b> to consolidate cases filed by Daniel Bozin, Kristi Burk, Patricia Burk, James McNichol, Jessica McNichol. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order) (Dann, Marc) (Entered: 11/01/2022)
11/11/2022	<u>22</u>	<b>Motion</b> for extension of time to Answer Amended Complaint, until a ruling on motion for stay filed by Defendant Key Bank, N.A.. (Attachments: # <u>1</u> Memorandum in Support) (Slater, James) (Entered: 11/11/2022)
11/11/2022	<u>23</u>	<b>Motion</b> to stay <i>action pending disposition of motion for transfer and centralization pursuant to 28 U.S.C. 1407</i> filed by Defendant Key Bank, N.A.. (Attachments: # <u>1</u> Memorandum in Support)(Slater, James) (Entered: 11/11/2022)
11/15/2022	<u>24</u>	<b>Response to <u>21</u> Motion</b> to consolidate cases filed by Key Bank, N.A.. (Slater, James) (Entered: 11/15/2022)
11/25/2022	<u>25</u>	<b>Motion</b> to stay <i>action pending disposition of motion for transfer and centralization pursuant to 28 U.S.C. 1407</i> filed by Defendant Overby-Seawell Co.. (Belzer, Geoffrey) (Entered: 11/25/2022)
11/25/2022	<u>26</u>	<b>Motion</b> for extension of time to answer <i>Amended Complaint, until a ruling on motion for stay</i> filed by Defendant Overby-Seawell Co.. (Belzer, Geoffrey) (Entered: 11/25/2022)
12/02/2022	<u>27</u>	<b>Motion</b> for leave <i>INSTANTER to File Response to Motion to Stay</i> filed by Daniel Bozin, Kristi Burk, Patricia Burk, James McNichol, Jessica McNichol. Related document(s) <u>23</u> . (Dann, Marc) (Entered: 12/02/2022)
12/05/2022	<u>28</u>	<b>Opposition to <u>25</u> Motion</b> to stay <i>action pending disposition of motion for transfer and centralization pursuant to 28 U.S.C. 1407</i> , <b><u>23</u> Motion</b> to stay <i>action pending disposition of motion for transfer and centralization pursuant to 28 U.S.C. 1407</i> filed by Daniel Bozin, Kristi Burk, Patricia Burk, James McNichol, Jessica McNichol. (Dann, Marc) (Entered: 12/05/2022)
12/12/2022	<u>29</u>	<b>Reply</b> in support of <b><u>23</u> Motion</b> to stay <i>action pending disposition of motion for transfer and centralization pursuant to 28 U.S.C. 1407</i> filed by Key Bank, N.A.. (Slater, James) (Entered: 12/12/2022)
12/12/2022	<u>30</u>	<b>Reply</b> in support of <b><u>25</u> Motion</b> to stay <i>action pending disposition of motion for transfer and centralization pursuant to 28 U.S.C. 1407</i> filed by Overby-Seawell Co.. (Belzer, Geoffrey) (Entered: 12/12/2022)
01/03/2023	<u>31</u>	<b>Order</b> Staying Case: Plaintiff's Motion for Leave to Oppose the Stay, Defendants' Motion to Stay, and Defendants' Motions for Extension of Time to Answer the Amended Complaint are all GRANTED. The deadline for Defendants to respond to the Amended Complaint shall be set by the



		Court following the conclusion of the Panel Action, if necessary. Plaintiffs' Motion to Consolidate is hereby HELD IN ABEYANCE pending the outcome of the Panel Action. This Court will rule on the Motion to Consolidate following the conclusion of the Panel Action, if necessary. Judge Charles Esque Fleming on 1/3/2023. Related Documents <u>21</u> , <u>22</u> , <u>23</u> , <u>25</u> , <u>26</u> , <u>27</u> . (S,SR) (Additional attachment(s) added on 1/4/2023: # <u>1</u> Signed Order) (S,SR). (Entered: 01/03/2023)
01/20/2023	<u>32</u>	Address Change Notice by James J. Pastore, Jr filed by on behalf of Key Bank, N.A.. (Pastore, James) (Entered: 01/20/2023)
02/02/2023	<u>33</u>	<b>Transfer Order</b> by the Judicial Panel on Multidistrict Litigation. In re: MDL 3056 Keybank Customer Data Security Breach Litigation. Case transferred to the Northern District of Georgia and assigned to the Honorable Stephen D. Grimberg. (P,R) (Entered: 02/02/2023)